
REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on June 4, 2003 and the references cited therewith. Claims 4, 6, 11, 15, 17, 22, 24, and 30 are currently amended. Claim 30 is amended to correct a typographical error and not to overcome any art. The Specification is also amended to correct typographical errors. Applicant contends that the amendments contained herein are supported by the Specification as filed and thus do not constitute new matter.

Rejections Under 35 U.S.C. § 112

Claims 8, 10, 11, 19, 21, and 22 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner asserts that throughout these claims the Applicant uses the language “weak” and “strong,” which renders these claims indefinite, because these are comparative terms, and the Applicant fails to provide basis for comparison. The Examiner further asserts that as a result, the scope of the claims is unclear. Applicant respectfully traverses the rejection of claims 8, 10, 11, 19, 21, and 22 under 35 U.S.C. § 112, second paragraph.

Claims 8, 10, 11 (as amended), 19, 21, and 22 (as amended) all read in part “a weak contact state in which the heating roller contacts with the intermediate transfer sheet with a small contact pressure and a strong contact state in which the heating roller contacts with the intermediate transfer sheet with a large contact pressure.” Applicant respectfully submits that “weak contact state” is defined within each of claims 8, 10, 11, 19, 21, and 22 as the heating roller contacting with the intermediate transfer sheet with a small contact pressure and that “strong contact state” is defined within each of claims 8, 10, 11, 19, 21, and 22 as the heating roller contacting with the intermediate transfer sheet with a large contact pressure. Therefore, claims 8, 10, 11, 19, 21, and 22 are not indefinite and should be allowed.

Rejections Under 35 U.S.C. § 103

Claims 1-3, 7-10, 12-14, 18-21, 23, and 26-32 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kitaoka (U.S. Patent No. 6,400,659) in view of Kita et

al. (U.S. Patent No. 5,798,161). Applicant respectfully traverses the rejection of claims 1-3, 7-10, 12-14, 18-21, 23, and 26-32 under 35 U.S.C. § 103 (a).

Claim 1 is directed to a compact disc processing system that includes a re-transfer printer to print an image to an internal intermediate transfer sheet and transfer the image from the transfer sheet to the compact disc. Claim 23 is directed to a method of operating a compact disc (CD) transporter that includes forming a primary transfer image of plural colors on an intermediate transfer sheet in a superimposed relation with a transferred positioning mark as a reference and retransferring the primary transfer image onto an inserted CD. Claim 30, as amended for a typographical error, is directed to a method of processing a compact disc (CD) that includes sequentially printing images to an intermediate transfer sheet of the printer.

Applicant carefully reviewed Kitaoka and Kita et al. In Kitaoka, (see Figure 3 and column 8, lines 30-37) a recorded compact disk 22 is placed on the printer tray 33, the printer 26 retracts the printer tray 33 inward in the X1 direction and the printer 26 begins to print the label 25. The printer 26 prints the entire label 25 by gradually moving the printer tray 33 in the X2 direction. The printer tray 33 is in a state of complete extension in the X2 direction when printing is completed. Applicant found no indication in Kitaoka of a re-transfer printer, as in claim 1, forming a primary transfer image of plural colors on an intermediate transfer sheet in a superimposed relation with a transferred positioning mark as a reference and retransferring the primary transfer image onto an inserted CD, as in claim 23, or printing images to an intermediate transfer sheet of a printer, as in claim 30.

In an embodiment of Kita et al., an optical disk 141 is fed to an image receptive layer transfer unit 109 so that the optical disk 141 is brought into contact with the image receptive layer 123 of an intermediate transfer medium 121 carrying an image A between the thermal head 110 and an optical disk support roller 111 (see Figure 15 and column 16, lines 45-50). This embodiment requires a thermal head and an optical disk support roller to be disposed on opposite sides of the compact disc. This precludes printing on the compact disc while the compact disc is contained in a printer tray and is gradually

moved thereby, as is called for in Kitaoka. Therefore, modifying Kitaoka using Kita et al. would result in changing the principle of operation of Kitaoka.

In another embodiment of Kita et al., an optical disk 141 is fed to the image receptive layer transfer unit 109 so that the optical disk 141 is brought into contact with the image receptive layer 123 of the intermediate transfer medium 121 carrying the image A between a heat roller 112 (see Figure 16 and column 17, lines 9-25) or a heat roller 115 (see Figures 18 and 20) and the optical disk support roller 111. These embodiments require rollers to be disposed on both sides of the compact disc during the transfer of the image. This precludes printing on the compact disc while the compact disc is contained in a printer tray and is gradually moved thereby, as is called for in Kitaoka. Therefore, modifying Kitaoka using Kita et al. would result in changing the principle of operation of Kitaoka.

In another embodiment of Kita et al., intermediate transfer medium 121 carrying the image A and the optical disk 141 are squeezed between a hot stamper 113 and an optical disk support plate 114 to exert pressure on and to apply heat to the intermediate transfer medium 121, so that the image receptive layer 123 carrying the image A is transferred to the optical disk 141 (see Figure 17 and column 17, lines 52-65). The compressive force exerted on the intermediate transfer medium 121 and the optical disk 141 combined with the intermediate transfer medium 121 is in the range of about 0.1 to about 5 kg/cm², and the preferable pressing duration is in the range of about 0.3 to about 20 sec, meaning that the optical disk 141 is stationary during the transfer of image A. This precludes printing on the compact disc while the compact disc is contained in a printer tray and is gradually moved thereby, as is called for in Kitaoka. Therefore, modifying Kitaoka using Kita et al. would result in changing the principle of operation of Kitaoka.

In view of the above, modifying Kitaoka using Kita et al. would result in changing the principle of operation of Kitaoka. Therefore, the teachings of Kitaoka combined with Kita et al. are not sufficient to render claims 1, 23, and 30 *prima facie* obvious (MPEP 2143.01), and claims 1, 23, and 30 should be allowed.

Claims 2-3 and 7-10 depend directly or indirectly from claim 1 and thus include patentable limitations of claim 1. Claims 31-32 depend directly from claim 30 and thus include patentable limitations of claim 30. Therefore, claims 2-3 and 7-10 and claims 31-32 should be allowed.

Claim 12 is directed to a content on demand processing system that includes a processor; a data recorder to record content to a compact disc, where the content is provided by the processor; a transporter to transport the compact disc; and a re-transfer printer to print an image to an internal intermediate transfer sheet and transfer the image from the transfer sheet to the compact disc, where image data is provided by the processor.

Applicant carefully reviewed Kitaoka and Kita et al. and found no indications or suggestions in either of a content on demand processing system that includes a processor that provides content for recording to a compact disc, as in claim 12. Therefore, Kitaoka and Kita et al. alone or in combination do not include or suggest what is included in claim 12, and claim 12 should be allowed.

Claims 13-14 and 18-21 depend directly or indirectly from claim 12 and thus include patentable limitations of claim 12. Therefore, claims 13-14 and 18-21 should be allowed.

Claim 26 is directed to a method of processing a compact disc (CD) that includes prior to completing the transport of the CD to the printer, printing the image to an intermediate transfer sheet of the printer.

Applicant carefully reviewed Kitaoka and Kita et al. and found no indications or suggestions in either of prior to completing the transport of the CD to the printer, printing the image to an intermediate transfer sheet of the printer, as in claim 26. Therefore, Kitaoka and Kita et al. alone or in combination do not include or suggest what is included in claim 26, and claim 26 should be allowed.

Claims 27-29 depend directly or indirectly from claim 26 and thus include patentable limitations of claim 26. Therefore, claims 27-29 should be allowed.

Allowable Subject Matter

Claims 4-6, 15-17, and 24-25 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for this indication. Claims 4 and 6 originally depended directly from claim 1 and have been rewritten to include the limitations of claim 1 and are thus believed allowable. Claim 5 has not been rewritten. Applicant respectfully submits that claim 5 depends directly from claim 4 and thus includes patentable limitations of claim 4 and should be allowed. Claims 15 and 17 originally depended directly from claim 12 and have been rewritten to include the limitations of claim 12 and are thus believed allowable. Claim 16 has not been rewritten. Applicant respectfully submits that claim 16 depends directly from claim 15 and thus includes patentable limitations of claim 15 and should be allowed. Claim 24 originally depended directly from claim 23 and has been rewritten to include the limitations of claim 23 and is thus believed allowable. Claim 25 has not been rewritten. Applicant respectfully submits that claim 25 depends directly from claim 24 and thus includes patentable limitations of claim 24 and should be allowed.


The Examiner indicated that claims 11 and 22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for this indication. Applicant contends that claims 11 and 22 are allowable under 35 U.S.C. § 112, second paragraph, as discussed above. Claims 11 and 22 have been rewritten to include all of the limitations of their respective base claims and any intervening claims. Therefore, claims 11 and 22 should be allowed.

CONCLUSION

Claims 4, 6, 11, 15, 17, 22, 24, and 30 are currently amended. Applicant believes that the claims are in condition for allowance and respectfully request a Notice of Allowance be issued in this case. If the Examiner has any questions regarding this application, please contact the under-signed at (612) 312-2208.

Respectfully submitted,

Date: 09-04-2003



Tod A. Myrum
Reg. No. 42,922

Attorneys for Applicant
Leffert Jay & Polglaze, P.A.
P.O. Box 581009
Minneapolis, MN 55458-1009
Phn: (612) 312-2200
Fax: (612) 312-2250